

RESOLUTION NO. 050210-7

WHEREAS, the Council finds that acquisition of the property interests described in the attachment are necessary for a public use; and

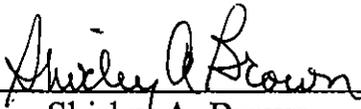
WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interests.

The owner of the property interests to be acquired is IH 35 Chili's Joint Venture, Ltd., and the property is located at 7629 Interstate Highway 35 North, Austin, Travis County, Texas.

ADOPTED: February 10, 2005

ATTEST: 
Shirley A. Brown
City Clerk



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

FN-5012.05TWSE
IH 35 CHILP'S JOINT VENTURE LTD.
TO
CITY OF AUSTIN
(TEMPORARY WORKING SPACE
EASEMENT)
July 11, 2003

FIELD NOTES FOR PARCEL 5012.05TWSE

PART 1

DESCRIPTION OF A 0.03 ACRE (1508 SQUARE FOOT) TRACT OF LAND, SITUATED IN THE JAMES P. WALLACE SURVEY NO. 57 TRAVIS COUNTY, TEXAS BEING PART OF LOT 1, BRIDGE CREEK SECTION TWO, A SUBDIVISION OF RECORD IN BOOK 87, PAGE 32C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT TRACT OF LAND AS DESCRIBED IN A ASSUMPTION WARRANTY DEED TO IH 35 CHILP'S JOINT VENTURE, LTD., OF RECORD IN VOLUME 12118, PAGE 2001 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.03 ACRE (1508 SQUARE FOOT), BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING at a ½" inch iron rod found for the most northerly corner of said Lot 1, Bridge Creek Section Two, being also the most westerly corner of Lot 2, Bridge Creek Section III-A, a subdivision of record in Book 87, Page 198C, Plat Records of Travis County, Texas, and being in the east line of North Interstate Highway 35, a varying width right-of-way;

THENCE S 27°24'41" W, with the west line of said Lot 1, Bridge Creek Section Two and the east line of said North Interstate Highway 35, for a distance of 55.22 feet to a calculated point having Texas State Plane Coordinate (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.99994) values of N=10,096,487.60, E=3,127,233.65, for the POINT OF BEGINNING and the most northerly corner of the herein described tract;

THENCE departing the east line of said North Interstate Highway 35 and over and across said Lot 1, Bridge Creek Section Two, with the north, and east lines of the herein described tract, the following four (4) courses and distances:

1. S 62°35'19" E for a distance of 25.00 feet to a calculated point for the northeast corner of the herein described tract,

2. S 27°24'41" W for a distance of 25.00 feet to a calculated point,
3. S 41°46'45" E for a distance of 15.00 feet to a calculated point, and
4. S 48°13'15" W for a distance of 24.19 feet to a calculated point for the southeast corner of the herein described tract, being also in the north line of Lot 1, Bridge Creek Section One, a subdivision of record in Book 86, Pages 180A thru 180B, Plat Records of Travis County, Texas and being in the south line of said Lot 1, Bridge Creek Section Two;

THENCE with the north line of said Lot 1, Bridge Creek Section One, the south line of said Lot 1, Bridge Creek Section Two and the south lines of the herein described tract, the following two (2) courses and distances:

1. N 51°06'17" W for a distance of 16.27 feet to a calculated point, and
2. N 62°32'49" W for a distance of 14.48 feet to a calculated point for the southwest corner of the herein described tract, being also the southwest corner of said Lot 1, Bridge Creek Section Two, being also the most northerly corner of said Lot 1, Bridge Creek Section One, and being in the east line of said North Interstate Highway 35;

THENCE N 27°24'41" E, with the west line of the herein described tract, the west line of said Lot 1, Bridge Creek Section Two and the east line of said North Interstate Highway 35, for a distance of 49.69 feet to the POINT OF BEGINNING and containing 0.03 acre (1508 square feet) of land;

PART 2

DESCRIPTION OF A 0.019 ACRE (847 SQUARE FOOT) TRACT OF LAND, SITUATED IN THE JAMES P. WALLACE SURVEY NO. 57 TRAVIS COUNTY, TEXAS BEING PART OF LOT 1, BRIDGE CREEK SECTION TWO, A SUBDIVISION OF RECORD IN BOOK 87, PAGE 32C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT TRACT OF LAND AS DESCRIBED IN A ASSUMPTION WARRANTY DEED TO IH 35 CHILI'S JOINT VENTURE, LTD., OF RECORD IN VOLUME 12118, PAGE 2001 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.019 ACRE (847 SQUARE FOOT), BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½" iron rod found having Texas State Plane Coordinate (Texas Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 0.99994) values of N=10,096,536.61, E=3,127,259.07, being the most westerly corner of Lot 2, Bridge Creek Section III-A, a subdivision of record in Book 87, Page 198C of the Plat Records of Travis County, Texas being also in the east line of North Interstate Highway 35, right-of-way varies and being the most northerly corner of said Lot 1, Bridge Creek Section Two;

THENCE S 62°39'16" E, with the east line of said Lot 2, Bridge Creek section III-A and the north line of said Lot 1, Bridge Creek Section Two for a distance of 49.30 feet to a calculated point;

THENCE departing the south line of said Lot 2, Bridge Creek Section III-A and over and across said Lot 1, Bridge Creek Section Two, with the east and south line of the herein described tract the following two (2) courses and distances;

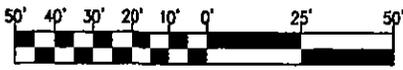
1. S 27°24'41" W for a distance of 17.58 feet to a calculated point, and
2. N 61°43'20" W for a distance of 49.31 feet to a calculated point being in the east line of said North Interstate Highway 35, being also in the west line of said Lot 1, Bridge Creek Section Two;

THENCE N 27°24'41" E with the east line of said North Interstate Highway 35 and the west line of said Lot 1, Bridge Creek Section Two for a distance of 16.78 feet to the POINT OF BEGINNING and containing 0.019 acre (847 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Texas Central Zone (4203), NAD 83 (CORS) Combined Scale Factor 0.99994). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10,086,515.87, E=3,109,682.56 and "Bergs 1961" having coordinate values of N=10,042,904.70, E=3,139,597.39.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



GRAPHIC SCALE

1"=50'

JUNE, 2003

TRAVIS COUNTY, TEXAS

ANDERSON LANE EAST
U.S. HIGHWAY 183
(R.O.W. VARIES)

LOT 1 LESS N. 7924 SQ. FT
HUMBLE SUBDIVISION
BOOK 32, PAGE 36
P.R.T.C.T.
02-3216-01-11
STATE OF TEXAS EXXON
7701 I.H. 35 NORTH
VOLUME 12854 PAGE 383
R.P.R.T.C.T.

1.0' CABLE T.V. EASEMENT
VOLUME 10461, PAGE 351
R.P.R.T.C.T.

PARKING EASEMENT
BOOK 87, PAGE 198C
VOLUME 10163, PAGE 61
P.R.T.C.T., R.P.R.T.C.T.

7.5' P.U.E.
BOOK 87, PAGE 198C
P.R.T.C.T.

LOT 2
BRIDGE CREEK SECTION III-A
BOOK 87, PAGE 198C
P.R.T.C.T.
02-3216-01-20
VICTORY CHRISTIAN CENTER OF
AUSTIN, INC.
7635 I.H. 35 NORTH
VOLUME 12698 PAGE 1203
R.P.R.T.C.T.

PROPOSED T.W.S.E.

**PART 1
P.O.C.**

**P.O.B. PART 2
N=10,096,536.61
E=3,127,259.07
GRID**

**P.O.B. PART 1
N=10,096,487.80
E=3,127,233.65
GRID**

5012.05 TWSE
10.019 ACRE
847 SQ. FT.
PART 2

**5012.05 TWSE
0.03 ACRE
1508 SQ. FT.
PART 1**

NORTH INTERSTATE HIGHWAY 35
(FRONTAGE ROAD)
(R.O.W. VARIES)

LOT 1
BRIDGE CREEK SECTION TWO
BOOK 87, PAGE 32C
P.R.T.C.T.
02-3216-01-19
IH35 CHILI'S JOINT VENTURE LTD.
CHILI'S BAR & GRILL
7629 I.H. 35 NORTH
VOLUME 12118 PAGE 2001
R.P.R.T.C.T.

BRIDGE CREEK SECTION ONE
BOOK 86, PAGES 180A-180B
P.R.T.C.T.
02-3216-01-18
BRIDGE CREEK PROPERTY
OWNERS A
7823 I.H. 35 NORTH
VOLUME 10735 PAGE 1030
R.P.R.T.C.T.

JAMES P. WALLACE
SURVEY NO. 57

7.5' P.U.E.
BOOK 87, PAGE 198C
VOLUME 10311, PAGE 486
P.R.T.C.T., R.P.R.T.C.T.

10' P.U.E.
BOOK 87, PAGE 198C
VOLUME 979B, PAGE 962
P.R.T.C.T., R.P.R.T.C.T.

JOINT ACCESS DRIVEWAY EASEMENT
VOLUME 979B, PAGE 962
R.P.R.T.C.T.

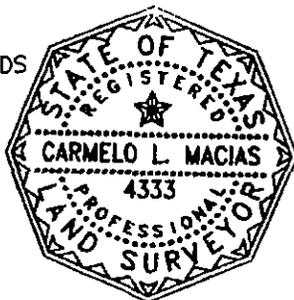
15' P.U.E. &
DRAINAGE EASEMENT
BOOK 86, PAGE 180B
P.R.T.C.T.

CL 10' WIDE
SANITARY SEWER EASEMENT
VOLUME 2471, PAGE 527
BOOK 86, PAGE 180B
D.R.T.C.T., P.R.T.C.T.

DRAINAGE EASEMENT & P.U.E.
BOOK 86, PAGE 180A
P.R.T.C.T.

LEGEND:

- 1/2" IRON ROD FOUND
- CONCRETE MONUMENT FOUND (TYPE II)
- ⊙ 1/2" IRON ROD SET W/CAP
- △ CALCULATED POINT
- () RECORD INFORMATION
- B.L. BUILDING LINE
- W.E. WASTEWATER EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- T.I.A.E.E. TEMPORARY INGRESS AND EGRESS EASEMENT
- T.W.S.E. TEMPORARY WORKING SPACE EASEMENT



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	S62°35'19"E	25.00'
L2	S27°24'41"W	25.00'
L3	S41°46'45"E	15.00'
L4	S48°13'15"W	24.19'
L5	N51°06'17"W	16.27'
L6	N62°32'49"W	14.48'
L7	N27°24'41"E	49.69'
L8	S62°39'16"E	49.30'
L9	S27°24'41"W	17.58'
L10	N61°43'20"W	49.31'
L11	N27°24'41"E	16.78'

BEARING BASIS:

THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83 THE BEARINGS SHOWN ARE GRID BEARINGS. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATE VALUES OF N=10086515.87, E=3109682.56 AND REFERENCE POINT "BERGS 1961" HAVING COORDINATE VALUES OF N=10042904.70, E=3139597.39. COMBINED SCALE FACTOR = 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

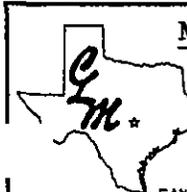
MAI JOB NO. 320-01-02

FILE NAME: 5012.05TWSE.DWG
FILE NAME: 32001-1.DWG

Carmelo L. Macias July 10, '03
CARMELO L. MACIAS
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 4333, STATE OF TEXAS

REV. SEPT. 8, '03
Exhibit "A"

PAGE 5 OF 5



MACIAS & ASSOCIATES, INC.
LAND SURVEYORS

★ ★ ★ ★ ★

5410 SOUTH 1ST STREET

AUSTIN, TEXAS 78745 PH. (512)442-7875

FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET



MACIAS & ASSOCIATES, Inc.
LAND SURVEYORS

FN-ZO3-008-08-10TIAEE
IH 35 CHILI'S JOINT VENTURE, LTD.
TO
CITY OF AUSTIN
(TEMPORARY INGRESS AND EGRESS
EASEMENT)
July 11, 2003

FIELD NOTES FOR PARCEL 5012.05TIAEE

DESCRIPTION OF A 0.21 ACRE (9018 SQUARE FOOT) TRACT OF LAND, SITUATED IN THE JAMES P. WALLACE SURVEY NO. 57 TRAVIS COUNTY, TEXAS BEING PART OF LOT 1, BRIDGE CREEK SECTION TWO, A SUBDIVISION OF RECORD IN BOOK 87, PAGE 32C, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING THAT TRACT OF LAND AS DESCRIBED IN A ASSUMPTION WARRANTY DEED TO IH 35 CHILI'S JOINT VENTURE, LTD., OF RECORD IN VOLUME 12118, PAGE 2001 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.21 ACRE (9018 SQUARE FOOT), BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a ½ inch iron rod found having Texas State Plane Coordinate (Texas Central Zone, NAD83(CORS), U.S. Feet, Combined Scale Factor 0.99994) values of N=10,096,952.79, E=3,127,700.43, for the most easterly northeast corner of the herein described tract, being also the most easterly northeast corner of said Lot 1, Bridge Creek Section Two and being an ell corner in the west line of Lot 2, Bridge Creek Section III-A, a subdivision of record in Book 87, Page 198C, Plat Records of Travis County, Texas;

THENCE S 27°13'06" W, with the east line of said Lot 1, Bridge Creek Section Two, the west line of said Lot 2, Bridge Creek Section III-A and the east line of the herein described tract, for a distance of 15.00 feet to a calculated point for the southeast corner of the herein described tract;

THENCE departing the west line of said Lot 2, Bridge Creek Section III-A and over and across said Lot 1, Bridge Creek Section Two, with the south line of the herein described tract, the following three (3) courses and distances:

1. N 62°43'40" W for a distance of 129.21 feet to a calculated point at the beginning of a curve to the left,

2. along said curve to the left, an arc distance of 31.62 feet, said curve having a radius of 20.00 feet, a central angle of $90^{\circ}34'28''$ and a chord bearing of $S 71^{\circ}59'06'' W$ for a chord distance of 28.43 feet to a calculated point at the end of said curve,
3. $S 26^{\circ}41'52'' W$ for a distance of 47.68 feet to a calculated point for the most southerly corner of the herein described tract, being also in the north line of Lot 1, Bridge Creek Section One, a subdivision of record in Book 86, Pages 180A thru 180B, Plat Records of Travis county, Texas, being also in the south line of said Lot 1, Bridge Creek Section Two;

THENCE $N 46^{\circ}29'03'' W$ along the north line of said Lot 1, Bridge Creek Section One, the south line of said Lot 1, Bridge Creek Section Two, for a distance of 32.09 feet to a calculated point,

THENCE departing the north line of said Lot 1, Bridge Creek Section One and over and across said Lot 1, Bridge Creek Section Two, with the south, west and north lines of the herein described tract, the following ten (10) courses and distances:

1. $N 27^{\circ}03'13'' E$ for a distance of 4.57 feet to a calculated point,
2. $N 41^{\circ}46'45'' W$ for a distance of 115.71 feet to a calculated point for the most westerly corner of the herein described tract,
3. $N 27^{\circ}24'41'' E$ for a distance of 63.06 feet to a calculated point for the most northwesterly corner of the herein described tract,
4. $S 61^{\circ}43'20'' E$ for a distance of 24.31 feet to a calculated point,
5. $S 27^{\circ}24'41'' W$ for a distance of 45.88 feet to a calculated point,
6. $S 41^{\circ}46'45'' E$ for a distance of 83.88 feet to a calculated point at the beginning of a curve to the left,
7. along said curve to the left, an arc distance of 8.14 feet, said curve having a radius of 5.00 feet, a central angle of $93^{\circ}13'50''$ and a chord bearing of $S 88^{\circ}23'40'' E$ for a chord distance of 7.27 feet to a calculated point at the end of said curve,
8. $N 44^{\circ}59'25'' E$ for a distance of 35.02 feet to a calculated point at the beginning of a curve to the right,

9. along said curve to the right, an arc distance of 31.54 feet, said curve having a radius of 25.00 feet, a central of 72°16'55" and a chord bearing of N 81°07'52" E for a chord distance of 29.49 feet to a calculated point at the end of said curve, and
10. S 62°43'40" E for a distance of 43.76 feet to a calculated point being in the east line of said Lot 1, Bridge Creek Section Two and being in the west line of said Lot 2, Bridge Creek Section III-A;

THENCE continuing with the east line of the herein described tract and with the east line of said Lot 1, Bridge Creek Section Two and the west line of said Lot 2, Bridge Creek Section III-A, the following two (2) courses and distances:

1. S 27°19'11" W for a distance of 12.67 feet to a ½ inch iron rod found for an angle point, and
2. S 62°43'05" E for a distance of 100.16 feet to the POINT OF BEGINNING and containing 0.21 acre (9018 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Texas Central Zone (4203), NAD 83 (CORS) Combined Scale Factor 0.99994). Project reference control points were established from and referenced to "Austin RRP" having coordinate values of N=10086515.87, E=3109682.56 and "Bergs 1961" having coordinate values of N=10042904.70, E=3139597.39.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during June, 2003 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 10th day of July 2003, A.D.

Macias & Associates, Inc.
5410 South 1st Street
Austin, Texas 78745
512-8442-7875

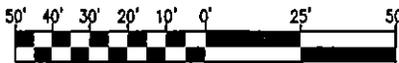

Carmelo L. Macias
Registered Professional Land Surveyor
No. 4333 – State of Texas

FIELD NOTES REVIEWED
By:  Date: 7-29-03
**Austin Clean Water Program
Survey Coordinator**

REFERENCES

MAPSCO 2000 526WX
Austin Grid No. L-28
TCAD PARCEL NO. 0232160119
MACIAS & ASSOCIATES PROJ. NO. 320-01-02
ZWA FIELD NOTE NO. Z03-008-08-10TIAEE





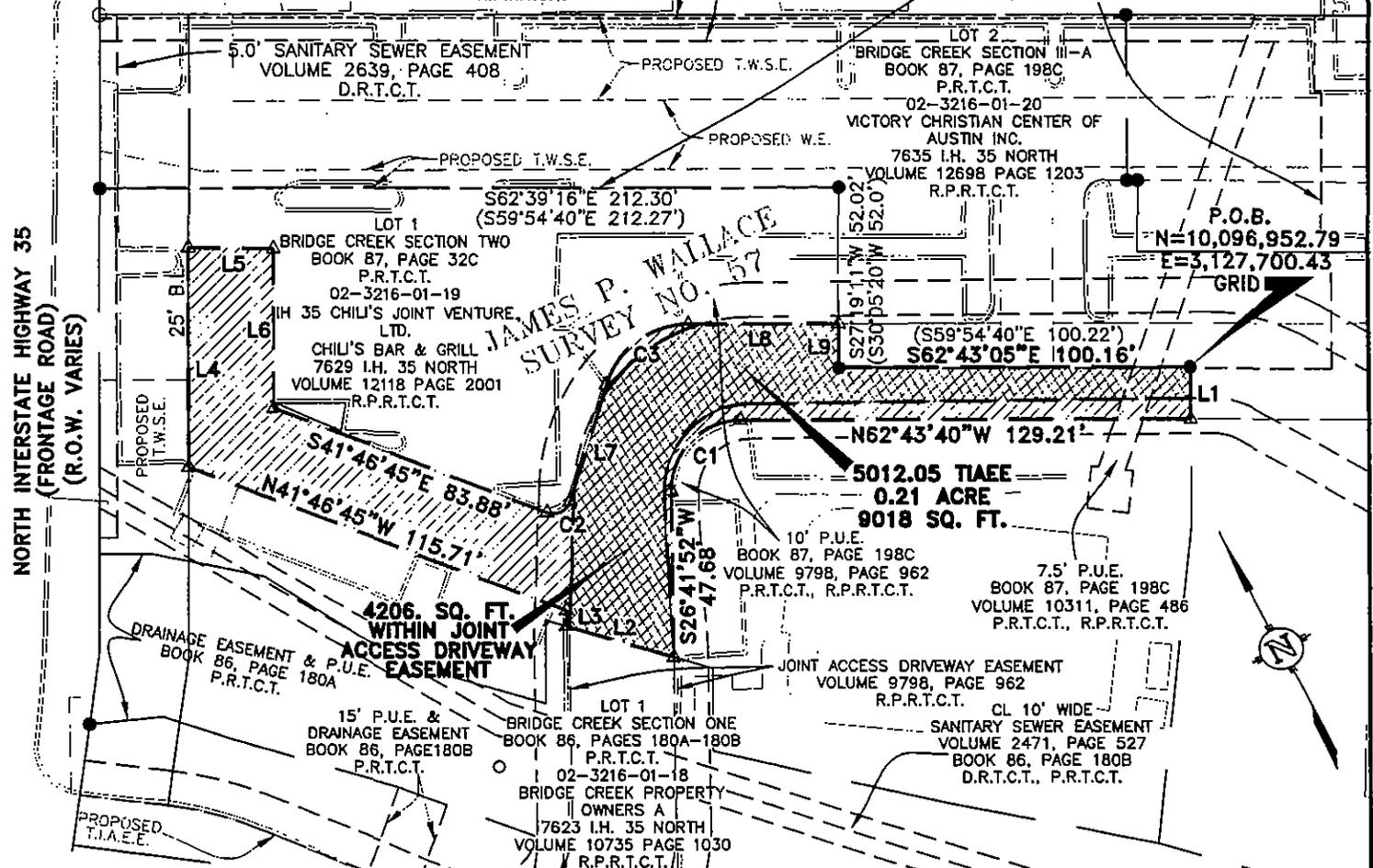
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

GRAPHIC SCALE
1"=50'
JUNE, 2003
TRAVIS COUNTY, TEXAS

LOT 1 LESS N. 7924 SQ. FT
HUMBLE SUBDIVISION
BOOK 32, PAGE 36
P.R.T.C.T.
02-3216-01-11
STATE OF TEXAS EXXON
7701 I.H. 35 NORTH
VOLUME 12854 PAGE 393
R.P.R.T.C.T.

1.0' CABLE T.V. EASEMENT
VOLUME 10461, PAGE 351
R.P.R.T.C.T.
7.5' P.U.E.
BOOK 87, PAGE 198C
P.R.T.C.T.

ANDERSON LANE EAST
U.S. HIGHWAY 183
(R.O.W. VARIES)



LEGEND:

- 1/2" IRON ROD FOUND
- CONCRETE MONUMENT FOUND (TYPE II)
- ⊙ 1/2" IRON ROD SET W/CAP
- △ CALCULATED POINT
- () RECORD INFORMATION
- BL BUILDING LINE
- W.E. WASTEWATER EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- T.I.A.E.E. TEMPORARY INGRESS AND EGRESS EASEMENT
- T.W.S.E. TEMPORARY WORKING SPACE EASEMENT

CURVE	LENGTH	DELTA	RADIUS	CH. BEARING	CH. DIST.	TANGENT
C1	31.62'	90°34'28"	20.00'	S71°59'06"W	28.43'	20.20'
C2	8.14'	93°13'50"	5.00'	S88°23'40"E	7.27'	5.29'
C3	31.54'	72°16'55"	25.00'	N81°07'52"E	29.49'	18.26'

LINE	DIRECTION	DISTANCE
L1	S27°13'06"W	15.00'
L2	N46°29'03"W	32.09'
L3	N27°03'13"E	4.57'
L4	N27°24'41"E	63.06'
L5	S61°43'20"E	24.31'
L6	S27°24'41"W	45.88'
L7	N44°59'25"E	35.02'
L8	S62°43'40"E	43.76'
L9	S27°19'11"W	12.67'

BEARING BASIS:
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83 THE BEARINGS SHOWN ARE GRID BEARINGS. THE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "AUSTIN RRP" HAVING COORDINATE VALUES OF N=10086515.87, E=3109682.56 AND REFERENCE POINT "BERGS 1961" HAVING COORDINATE VALUES OF N=10042904.70, E=3139597.39. COMBINED SCALE FACTOR = 0.99994. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.



Carmelo L. Macias July 10, 03
DATE: _____
CARMELO L. MACIAS
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 4333, STATE OF TEXAS

Exhibit "B"
PAGE 5 OF 5

FILE NAME: 501205TIAEE.DWG
MAI JOB NO. 320-01-02 FILE NAME: 32001-1.DWG

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS
★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET